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Subject: FW: Comments on Proposed GR23 changes from a GAL/Court Visitor perspective
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From: Miryam Gordon, Court Visitor [mailto:mgordongal@gmail.com]
Sent: Saturday, February 26, 2022 6:50 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments on Proposed GR23 changes from a GAL/Court Visitor perspective

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Dear Supreme Court Justices,

I support the proposed amendments to GR 23.

As a King County guardian ad litem/court visitor for the past 15 years, I know the courts increasingly must dismiss worthy guardianship petitions solely because no certified professional guardian (CPG) will accept appointment. It is only sensible for CPGs to decline cases when the situations of that potential client seem to provide challenges that might be likely to generate an unfounded CPG Board complaint. Such cases include those where the incapacitated person presents themselves as more "capacitated" to outsiders (since such persons can mislead outsiders into helping them lodge unfounded complaints), and those where the person has friends or family may lodge unfounded complaints. Many of these families may have expectations of services the CPGs "should" provide that the limitation in Medicaid DSHS fee caps do not cover.

I'm sure you know that this cap is \$235 per month, no matter how many hours in any given month a CPG must put in for that client. Multiple kinds of tasks, like moving an individual's housing, could take 50 or 100 hours in a month, but the remuneration for all that is \$0 additional dollars.

I know of a CPG agency recently having to defend itself, from the same allegations on a single set of facts and allegations, in three forums: an APS investigation, a Superior Court hearing, and before the CPG Board. The CPG Board initiated the court complaint upon the APS referral, and, even after the Superior Court had ruled the complaint was without merit, the CPG Board still required the CPG agency to defend itself on the underlying grievance. Guardians cannot bill for the time they and their lawyers spend defending against complaints or grievances even when they are unfounded; the burden of defending against complaints is high.

Despite the CPG Board's expressed appreciation for CPGs, the professional guardian

community at large lacks confidence in fair treatment from the CPG Board. This causes CPGs to decline otherwise simple cases just because of their potential for CPG Board grievances.

I have had cases where I could not find any CPG to take a client. I have returned to court to report my failure to succeed and the court has no option other than to dismiss the guardianship, no matter how needy an incapacitated person is, to a situation where there is simply no one to take care of them, at all.

The CPG Board expresses concern that the public will distrust a Board that includes a higher component of CPGs. In fact, having 2/3s of the CPG Board composed of non-CPGs results in 2/3s of the Board having little comprehension of what a CPG is required to do. Nor in understanding the time and care that the requirements take.

What about the vulnerable Medicaid recipients unable to obtain guardianship assistance because of the distrust among CPGs now generated by needlessly closed-door undocumented meetings and the Board's resistance to having more CPGs on the Board? That distrust contributes to CPGs continuing to choose to decline cases if they feel they might risk unfounded complaints to a degree that leaves the public with no other solutions. I support the amendments to GR 23 because it will strengthen the CPG Board and will provide more accountability and accessibility to the vulnerable population at large.

Thank you for considering these points.

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